

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 11th September 1946.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Pay and allowances of peons.

* 51 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Prime Minister be pleased to state—

(a) what the present scale of pay of peons under the Government is;

(b) when this scale was fixed;

(c) what was the cost of living index in the City when the present scale was fixed;

(d) what is the present cost of living index in the City;

(e) whether they are paid any other allowances besides the pay and if so, what they are;

(f) whether it is a fact that there is considerable discontent in this service in regard to the present scale of pay;

(g) whether the Salaries Committee recommended any revised scale and if so, what it is;

(h) whether the Government have given effect to or propose to give effect to the recommendation of the Salaries Committee in regard to pay of peons;

(i) whether the peons are entitled to pension on retirement and, if so, whether it is, as in the case of other sections of the services, half their average emoluments;

(j) whether there is any distinction in rules governing pensions in respect of peons and those governing other services;

(k) what the recommendation of the Salaries Committee is in regard to pensions to peons; and

(l) whether the Government propose to take action on the recommendation of the Salaries Committee in regard to pay and pension of peons?

THE HON. SRI T. PRAKASAM :—“(a) The scale of pay at present is Rs. 12-17 to be drawn as follows :—

			Rs.
First four years	...	...	12
Next four years	...	...	13
Next five years	...	...	14
Next six years	...	...	15
Next six years	...	...	16
Over 25 years	...	...	17

“Those in the City get a Presidency Allowance of Rs. 2-8-0 over and above their pay.

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- “(b) The scale was fixed in the year 1932–33.
- “(c) The cost of living index in 1932–33 when this scale was fixed was about 100.
- “(d) The present cost of living index is 238 in the Madras City.
- “(e) The peons get in addition to pay in this scale, a dearness allowance of Rs. 16 per mensem. Peons in the Madras City get a Presidency Allowance of Rs. 2–8–0 each, to compensate them for the costliness of living in the city as compared with the mufassal.
- “(f) Representations have been received for the improvement of their conditions of service, including conditions of pay and allowances.
- “(g) Yes. The Madras Salaries Committee of 1945 recommended that the existing scale of pay of Rs. 12–17 may be raised to Rs. 16—1/4—24.
- “(h) No effect has yet been given to the recommendation of the Salaries Committee. The Government have appointed a Committee of the Cabinet to examine and report on the question of revision of pay-scales of all classes of Government servants in receipt of salaries of Rs. 200 per mensem and below. The Committee will take into consideration the recommendations of the Salaries Committee as regards the pay of peons.
- “(i) Peons are entitled to pension equal to half the emoluments drawn during the last 3 years of service, if they retire after rendering a service of 30 years or more. If they retire before, they are entitled to gratuity only at the following rates :—

Length of service.	Amount of gratuity.
Less than five years	Nil.
Not less than five years and less than ten years	Three months' pay.
Not less than ten years and less than fifteen years	Four months' pay.
Not less than fifteen years and less than twenty years	Five months' pay.
Not less than twenty years and less than thirty years	Six months' pay.

“(j) Yes.

“(k) The recommendation of the Salaries Committee was that peons should be treated as superior for purposes of pension and if for any reason this is not acceptable, Excise peons at least should be so treated, as their work is onerous and is comparable to that of a police constable.

“(l) Regarding ‘Pay’ please see question (h) regarding pension, there is no proposal yet to take any action on the Salaries Committee’s recommendation. It was only on 27th April 1946 that Government issued orders making peons eligible for a pension equal to half their average emoluments during the last three years of their service as against a pension of Rs. 6 per mensem for which they were eligible before.”

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SRI R. SURYANARAYANA RAO :—“ In view of the fact that it is clear from the answer that the Government themselves feel that the salaries paid to these peons are very meagre, may I ask, whether it is necessary that a Cabinet Committee should sit over this question and whether the Government themselves cannot take action on the recommendations of the Salaries Committee? ”

THE HON. SRI T. PRAKASAM :—“ The question is not audible. The hon. Member may repeat the question.”

(The question was repeated.)

THE HON. SRI T. PRAKASAM :—“ Sir, the usual practice has been adhered to.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ When does the Hon. the Premier expect the Cabinet Committee to make its report? ”

THE HON. SRI T. PRAKASAM :—“ Very soon, Sir. It ought to have met this morning but for the fact that this Council is meeting just now.”

SRI P. R. K. SARMA :—“ May I ask whether the Cabinet Sub-Committee has issued a questionnaire? ”

THE HON. SRI T. PRAKASAM :—“ Yes, Sir.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ May I ask whether the Hon. the Premier proposes to give any interim relief to these people before the Cabinet Sub-Committee makes its proposals? ”

THE HON. SRI T. PRAKASAM :—“ Perhaps they may come up to-morrow evening.”

SRI P. R. K. SARMA :—“ May I ask whether the questionnaire has been sent to some associations and organizations of Government workers to elicit their opinion? ”

THE HON. SRI T. PRAKASAM :—“ I do not believe it is necessary to send the questionnaire to these associations on a matter like this.”

SRI R. SURYANARAYANA RAO :—“ May I ask whether the peons will be allowed to make their representations to the Cabinet Sub-Committee, individually or collectively? ”

THE HON. SRI T. PRAKASAM :—“ Unless it is intended to delay the matter.” (Laughter.)

SRI R. SURYANARAYANA RAO :—“ How is the Cabinet Committee to know the grievances of these people unless an opportunity is given to these people to make their representations? ”

THE HON. SRI T. PRAKASAM :—“ This question and answer is quite enough.”

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SRI P. R. K. SARMA :—" May I ask whether the Government Press Workers' Union has not been sent a copy of the questionnaire? "

THE HON. SRI T. PRAKASAM :—" I do not think questions should be put on matters known to hon. Members."

SRI P. R. K. SARMA :—" My representation is this, and you will excuse me for making this. Copies of the questionnaire have been sent to one or two organizations but not to all Government workers' organizations."

THE HON. SRI T. PRAKASAM :—" Instead of putting that question it should not have gone round about."

SRI R. SURYANARAYANA RAO :—" In view of the decisions announced by the Government in April that the peons will be allowed to draw a pension equal to half their average emoluments during the last three years of their service and as this concession will not be applicable to those who have already retired, will the Hon. Minister be pleased to state whether it will be made applicable to those who have already retired and are still alive? "

THE HON. SRI T. PRAKASAM :—" The hon. Member may put a separate question."

SRI P. R. K. SARMA :—" May I ask whether copies of the questionnaire will be supplied to the Members of the Legislature? "

THE HON. SRI T. PRAKASAM :—" If they consider it necessary they will be furnished."

MR. K. O. ANTHONI :—" May I know if the Cabinet Committee will consider the desirability of substituting a scale of dearness allowance linked to the cost of living index, in preference to the fixed scale? "

THE HON. SRI T. PRAKASAM :—" It will be taken into account."

SRI P. R. K. SARMA :—" May I know whether the Cabinet Sub-Committee have invited Mr. Town and others to give evidence before them? "

THE HON. SRI T. PRAKASAM :—" Yes, on certain matters on which Mr. Town's statement is required, he was summoned."

SRI R. SURAYANARAYANA RAO :—" Will the Cabinet Committee be willing to hear any Member of the Legislature if he wants to make representations on behalf of any group of workers? "

THE HON. SRI T. PRAKASAM :—" Certainly it would be so, but the discretion is with the Cabinet to decide."

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Export of rice from the South Arcot district.

* 52 Q.—SRI O. P. RAMASWAMI REDDIYAR: Will the Hon. the Prime Minister be pleased to state—

(a) whether it is a fact that paddy or rice is exported from the South Arcot district from March 1946;

(b) if so, how much has been exported and how much is going to be exported;

(c) whether the South Arcot district is a deficit or surplus district regarding foodgrains; and

(d) what steps the Government propose to take to stop the export of rice in this year?

THE HON. SRI T. PRAKASAM:—“(a) Export quotas of rice from South Arcot district have been allotted only from May 1946 and not from March 1946.

“(b) The total quantity of rice exported from South Arcot district from May 1946 to 12th August 1946 was 8,000 tons being the export quota allotted from that district for May, June and July 1946, viz., 3,000, 2,000 and 3,000 tons respectively.

“(a) A further export quota of 1,000 tons of rice from South Arcot district to each of the districts of Madura, Ramnad and Trichinopoly for August 1946 has been allotted.

“(c) Normally South Arcot district is a surplus district. It is however estimated to be statistically deficit in rice for 1945–46 owing to the failure of north-east monsoon but considered self-sufficient in view of the reduction of rice ration. As regards millets, the district is a deficit one and a quota of 3,830 tons has been allotted to it till the end of August 1946. As there is however a temporary surplus of millets in the district and there was urgent demand in Tinnevely district, it has been ordered that 700 tons of millets should be transferred from South Arcot to Tinnevely district.

“(d) The exports of rice referred in reply to the question (b) above were allowed as the total stocks of rice available in the district with wholesalers and procurement agents were far in excess of immediate requirements of the district. The stock of rice with them on 23rd August 1946 was 15,533 tons and on the basis of off-take of 4,357 tons for the previous month, viz., July, the stock is expected to last for nearly three and a half months, i.e., till the first week of December 1946. Due to the serious shortage of rice in most deficit districts, such diversions of temporary surplus in a district, to a district where the need is urgent is inevitable. The Government are having a close watch over stocks and they will arrange to replenish the stocks in a district if it runs out of stock on account of such diversions.”

SRI N. VENKATACHALAMAJI:—“May I know, Sir, if the paddy stocks at Pathapatnam in the Vizagapatnam district are intended for export to the Bengal Province?”

MR. PRESIDENT:—“You may put a separate question.”

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Members of the ' menial ' staff in various hospitals in the Province.

* 53 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Health and Medicine be pleased to state—

(a) whether the members of the ' menial ' staff employed in the various hospitals in the province are treated as salaried employees whose salaries are drawn on regular monthly pay bills ;

(b) whether they are governed by leave rules applicable to other Government servants ;

(c) whether the leave reserve maintained is sufficient so as not to dislocate work in hospitals when any member of the staff is forced to absent himself from duty owing to illness or other causes ; and

(d) whether the medical officers are empowered to sanction leave with salary for the period eligible when at least the absence is unavoidable ?

THE HON. MRS. LAKSHMIPATHI :—“(a) The pay of totis is drawn on regular establishment bills. The pay of other menial servants is drawn on monthly contingent bills.

“(b) The answer is in the negative. Special leave rules have been framed for menials.

“(c) There is no leave reserve for the menial staff.

“(d) Medical officers can grant leave to the extent as indicated below :—

(1) Hospital leave on half pay for a period not exceeding six months in any one term of three years when menials fall ill

(2) Female totis and attendants and servants in Government hospitals are eligible for maternity leave.

(3) The following leave concessions are granted to menials who have completed five or more years of service :—

(i) Earned leave at the rate of one-twenty-second of duty subject to the condition that leave shall cease to be earned if such leave amounting to thirty days is at credit.

During the earned leave, full pay will be admissible, if no substitute is appointed ; otherwise, such leave salary not being less than one-half and not exceeding two-thirds of pay as may be fixed by the authority granting leave, may be given.

(ii) Extraordinary leave (i.e., leave without salary) may be granted without limit.

The above concessions are admissible to menials employed in Government hospitals in the City and in the District Headquarters Hospitals.”

SRI R. SURYANARAYANA RAO :—“ May I know whether the Government have under their consideration the question of

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the drawal of salaries of all employees in the hospital on monthly pay bills instead of drawing salaries for some of them on contingent bills? "

THE HON. MRS. LAKSHMIPATHI :—" The proposal is under the consideration of the Government."

SRI P. R. K. SARMA :—" May I know from the Hon. Minister whether any discrimination is made in regard to service conditions on account of the classifications such as menials, contingent labour and so forth? "

THE HON. MRS. LAKSHMIPATHI :—" Those who are employed on the contingent labour basis do not have the same privileges with regard to status and pay as those enjoyed by the permanent people."

SRI P. R. K. SARMA :—" May I know from the Hon. Minister why they are treated as contingent labour when their employment is of a continuous and permanent character and they are paid monthly salaries and regarded as salaried employees? "

THE HON. MRS. LAKSHMIPATHI :—" Yes, Sir, it is true, there are those who have served as continuous labour for nearly thirty years and there are others who come under contingent labour. The Government are considering the question of removing the invidious distinctions as between these two classes of people, continuous labour and contingent labour."

SRI P. R. K. SARMA :—" May I know whether the Hon. Minister will consider the question of admitting the interim relief of Rs. 3 or Rs. 4 which is now denied under present orders, to these contingent labour people? "

THE HON. MRS. LAKSHMIPATHI :—" I am not quite sure whether so far as interim relief to all non-gazetted officers is concerned, it will be applicable to the contingent labour; anyway, the suggestion made by the hon. Member will be borne in mind."

Power-houses in Kurnool and Cuddapah.

* 54 Q.—**SRI R. SURYANARAYANA RAO** : Will the Hon. the Minister for Public Health and Medicine be pleased to state—

(a) whether the machinery in the power-houses in Kurnool and Cuddapah broke down recently;

(b) whether even the water-supply of the town was affected;

(c) what steps the Government propose to take not only to set right the existing state of affairs but also to avoid their recurrence;

(d) whether it is not desirable that the Government define the policy they propose to adopt towards municipal or other supplies of electricity to ensure regular and uninterrupted supply of power; and

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(e) whether the surcharge now levied on the existing rates of supply is abnormally high, out of all proportion to the conveniences provided?

THE HON. MRS. LAKSHMIPATHI :—“(a) Yes.

“(b) Water-supply in Cuddapah was affected.

“(c) In order to maintain water-supply in Kurnool in the event of a break down of electric supply, the Government have recently ordered the transfer to Kurnool of the oil engine stationed at Saidapet water-works and its erection at the Kurnool water-works. In the case of Cuddapah, certain proposals have been made by the municipal council for digging some new wells and for carrying out repairs to existing wells. The Government have also under consideration a proposal to instal an additional oil engine unit at the Seshiah Water-Works, Cuddapah.

“(The break down of machinery in power-houses and consequent break down of public supply have been noted mostly in the case of small self-generating licensees, partly due to the inability of the licensees to obtain, at short notice, new plant and spares for existing plant and partly due to the hesitation of the licensees to purchase additional plant at the current high prices. The trouble does not exist where Government generate electricity on a large scale and supply the necessary power to the licensees for distribution. Where the existing or potential load conditions justify it, Government propose to arrange for such large scale generation and to supply energy to the licensees, but where this is not feasible, Government propose to urge the licensee to instal adequate plant with the least possible delay. Where, after giving the licensee a reasonable length of time to improve his supply, he does not do so, Government will take over the undertaking after cancellation of licence. There is great difficulty in getting new plant immediately but what information becomes available to the Government regarding availability of plant, is being passed on to the licensees to enable them to use the same.

“(d) The policy of the Government is already defined in the licence terms under which municipal licensees and other licensees supply electricity. Where the licensee is found incapable of giving a regular and uninterrupted supply due to not taking suitable and feasible steps for the purpose, licences will be cancelled. After cancellation of licence Government will step in and continue the electricity supply. Since Government have generally been doing electricity supply cheaper and better than private licensees, Government have also now adopted the policy of not extending the licence periods or giving additional areas to licensees.

“(e) The surcharge now permitted is very much less than 100 per cent while all commodity prices have gone up by over 100 per cent. It cannot, therefore, be stated that the

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existing rates are out of all proportion to the convenience provided. What has happened is that, while the other commodity prices are high all over the country, electricity prices are at almost the pre-war rates over the greater part of the Presidency due to Government's large scale and cheap generation and supply. Therefore, by contrast, in the few areas where surcharges are high, the supply rates seem abnormally so. In all cases, however, Government are taking care to permit no higher rate of surcharge than absolutely necessary."

Industrial establishments in the Province.

* 55 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the present number of Industrial establishments in the Province;

(b) what is the number of Industrial establishments subject to inspection under the Factories Act;

(c) what is the present strength of the Factory Inspection staff;

(d) the number of factories inspected by the Factory Inspection staff during 1945-46;

(e) what qualifications and grades of salaries prescribed for the Factory Inspectors are;

(f) whether, in view of the specialized and hazardous nature of many industries and the highly technical nature of the processes employed in certain industries, the Government have considered the desirability of recruiting better qualified staff with better emoluments; and

(g) whether the Government have also considered the need to revive the special post of the Chief Inspector of Factories?

THE HON. SRI V. V. GIRI :—" (a) The Government have no information.

" (b) Three thousand four hundred and fifty industrial establishments have been registered under the Factories Act up to 1st August 1946. All these are subject to inspection under the Factories Act.

" (c) One Chief Inspector of Factories (Commissioner of Labour), one Deputy Chief Inspector of Factories, four Inspectors of Factories, Grade I, seven Inspectors of Factories, Grade II, and one Assistant Inspector of Factories.

" (d) The number of factories registered under the Factories Act and which were in commission at the end of the year 1945 was 3,122. Of these 2,909 factories were inspected by Inspectors of Factories during the calendar year 1945. The remaining 213 factories were not inspected as some of them were found closed at the time of inspection and a few were registered late in the year.

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“(e) The qualifications prescribed for the Inspectors of Factories are :—

(i) the degree of B.E. of the University of Madras or the degree of M.Sc. in Chemical Technology of Andhra University ; or

(ii) a diploma in Engineering of the College of Engineering, Guindy ; or

(iii) the certificate of diploma of the Indian School of Mines, Dhanbad ; or

(iv) a pass in the examination qualifying for Associate Membership of the Institute of Engineers (India).

“The scales of pay are—

Deputy Chief Inspector of Factories—Rs. 600—75/2—900.
Inspector of Factories, Grade I—Rs. 260—30/2—440—40/2—600.

Inspector of Factories, Grade II—Rs. 200—30/2—410.

Assistant Inspectress of Factories—Rs. 200—30/2—410.

“(f) No. The qualifications already prescribed are adequate.

“(g) No. The present arrangements are satisfactory.”

SRI R. SURYANARAYANA RAO :—“Is it not a fact that the Factories Act provides for a separate and whole-time officer for the inspection of factories?”

THE HON. SRI V. V. GIRI :—“I am not aware of it.”

SRI R. SURYANARAYANA RAO :—“Was there a separate Chief Inspector of Factories before 1933?”

THE HON. SRI V. V. GIRI :—“Probably, Sir.”

SRI R. SURYANARAYANA RAO :—“Government must be aware of the thing. Is the Hon. Minister aware that there was one?”

THE HON. SRI V. V. GIRI :—“I take the information from the hon. Member.”

SRI R. SURYANARAYANA RAO :—“Why was the post abolished?”

THE HON. SRI V. V. GIRI :—“It was not thought necessary as the Labour Commissioner himself could discharge the work.”

SRI P. R. K. SARMA :—“May I ask the Hon. Minister, if there are factory inspectors their services should also be utilized to help the Labour Commissioner?”

THE HON. SRI V. V. GIRI :—“Sometimes.”

SRI P. R. K. SARMA :—“May I know whether the Government consider the present factory inspection staff is adequate in view of the increase in the number of factories?”

THE HON. SRI V. V. GIRI :—“You want me to believe that I take it to be adequate.”

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SRI P. R. K. SARMA :—“ May I ask whether the Government consider it adequate? ”

THE HON. SRI V. V. GIRI :—“ I shall certainly look into the matter.”

MR. K. O. ANTHONI :—“ In view of the fact that there are very many duties which the Labour Commissioner is called upon to perform, will the Hon. the Minister for Labour consider the desirability of appointing a Chief Inspector of Factories as a full-time officer? ”

THE HON. SRI V. V. GIRI :—“ I shall consider the matter.”

SRI R. SURYANARAYANA RAO :—“ Is it a fact that factory inspectors are expected to inspect the factories in their jurisdiction at least twice a year? ”

THE HON. SRI V. V. GIRI :—“ I am not aware of it, Sir. I take the information from the hon. Member.”

SRI P. R. K. SARMA :—“ May I ask whether factory inspectors are in charge of the administration of Payment of Wages Act also? ”

THE HON. SRI V. V. GIRI :—“ I take the information from the hon. Member.”

SRI R. SURYANARAYANA RAO :—“ Sir,—the Hon. Minister told us that 3,122 factories are under commission and the inspection staff is about 11,—may I ask whether these 11 inspectors could inspect 290 factories on an average and does he not think that the inspection must necessarily be perfunctory? ”

THE HON. SRI V. V. GIRI :—“ I am not prepared to admit that; it depends on the intelligence that they possess and the intelligence on the part of factory authorities.”

SRI R. SURYANARAYANA RAO :—“ In view of the fact that 290 factories have to be inspected twice a year by one factory inspector, does he not think that, on the face of it, it shows it would not be possible for him to do real inspection? ”

THE HON. SRI V. V. GIRI :—“ I shall look into the matter.”

Industrial Adviser to the Government of Madras.

* 56 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the function of the Industrial Adviser to the Government of Madras;

(b) the salary or honorarium paid to him;

(c) the staff supplied to him;

(d) the name of the officer;

(e) other jobs, if any, held by him; and

(f) his special qualification to hold the post?

THE HON. SRI V. V. GIRI :—“ (a) The Industrial Adviser is attached to the Development Department in the Secretariat, to advise on questions pertaining to the planning and development of industries. The post of Industrial Adviser was created in July 1945 for this purpose. It was proposed to send him to the United Kingdom and the United States of

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America for a period of three to four months to study the latest industrial developments in those countries. The Industrial Adviser did not, however, proceed to the United Kingdom or the United States of America but his services were placed at the disposal of the Government of India from January 1946. He is now performing occasional work as Industrial Adviser to this Government.

“(b) The Industrial Adviser was drawing his grade pay plus a special pay of Rs. 250 per mensem till his services were placed at the disposal of the Government of India from 1st February 1946 as Director-General of Resettlement and Employment. From that date, he has not been receiving any remuneration from this Government for his occasional work as Industrial Adviser. A proposal to give him a special pay of Rs. 250 per mensem is under examination, in consultation with the Central Government.

“(c) One Superintendent, two upper division clerks, one typist, one steno-typist and three peons.

“(d) Mr. V. Ramakrishna.

“(e) Chairman, National Services Labour Tribunal, Madras, cum Regional Director of Resettlement and Employment.

“(f) He was the Director of Industries and Commerce, in this Province, sometime ago. He has always taken a keen interest in industry and has an exceptionally good knowledge of machines and manufacturing processes.”

Appointment of Assistant Prosecutors in the city and the mufassal.

* 57 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Law be pleased to state—

(a) who the appointing authorities of the Assistant Prosecutors in the city and the mufassal are;

(b) what the qualifications prescribed and emoluments sanctioned for these posts are;

(c) whether the system of appointing Assistant Prosecutors has been extended to all districts;

(d) whether these Assistant Prosecutors are eligible for appointment as Public Prosecutors;

(e) whether rules governing these appointments have been framed, and if so, what they are; and

(f) whether the Government propose to transfer their recruitment to the Public Service Commission?

THE HON. SRI K. BHASHYAM:—“(a) The appointing authority for Assistant Crown Prosecutors is the Commissioner of Police, Madras, and for Assistant Public Prosecutors the District Magistrate concerned.

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“(b) There are three categories of Assistant Crown Prosecutors, namely—

- (1) Chief Assistant Crown Prosecutor.
- (2) Senior Assistant Crown Prosecutors.
- (3) Junior Assistant Crown Prosecutors.

“The pay and qualifications of the three categories are as follows:—

	Pay. RS.	Qualifications
1 Chief Assistant Crown Prosecutor ..	400	{ Should be a member of the Bar and should have on the date of appointment not less than five years' active practice in criminal courts.
2 Senior Assistant Crown Prosecutors ..	30	
3 Junior Assistant Crown Prosecutors ..	250	

During the period of training which is for two months, Assistant Crown Prosecutors are paid the pay of their posts less Rs. 50.

“Assistant Public Prosecutors.—There are two grades of Assistant Public Prosecutors. The pay and qualifications of the two grades are as shown below:—

	Pay. RS.	Qualifications.
1 Assistant Public Prosecutor, Grade I.	170—15/2—230 —20/2—270.	For direct recruitment— (i) Must not have completed thirty-four years of age on the first day of August in the year in which appointment is made; and (ii) must be a member of the Bar and have had not less than five years' active practice in criminal courts. For recruitment by transfer— (i) Must be a Prosecuting Inspector of Police in the Madras Police Subordinate Service; and (ii) must have passed the Pleadership examination or the B.L. degree examination of the University of Madras.
2 Assistant Public Prosecutor, Grade II.	100—12/2—160.	For direct recruitment— (i) Must not have completed thirty-two years of age on the first day of August in the year in which appointment is made; and (ii) must be a member of the Bar and have not less than three years' active practice in criminal courts. For recruitment by transfer— (i) Must be a Prosecuting Sub-Inspector of Police in the Madras Police Subordinate Service; and (ii) must have passed the Pleadership examination or the B.L. degree examination of the University of Madras.

(During the period of training of four months Assistant Public Prosecutors, Grade I, are paid Rs. 125 and Assistant Public Prosecutors, Grade II, are paid Rs. 80. For purely temporary appointments which will not count for probation, the age-limit for both grades is 40 years on the 1st August of the year in which recruitment is made.)

“(c) The answer is in the affirmative.

“(d) There is no provision in the rules for the promotion of Assistant Crown Prosecutors or Assistant Public Prosecutors as Public Prosecutors. They are eligible for appointment as Public Prosecutors provided they possess the qualifications prescribed for direct recruits.

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“(e) Rules have been issued for both Assistant Public Prosecutors and Assistant Crown Prosecutors. A copy* of the rules is placed on the table of the House.

“(f) The answer is in the negative.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, why these Assistant Crown Prosecutors in the City alone should be appointed by the Commissioner of Police, while in the mufassal, the District Magistrates are empowered to appoint them? ”

THE HON. SRI K. BHASHYAM :—“ The Commissioner of Police in the City occupies a position which is equivalent to a District Magistrate.”

SRI R. SURYANARAYANA RAO :—“ Since the object is that these Public Prosecutors are appointed on behalf of the Crown, the Police should not have anything to do with their appointments? ”

THE HON. SRI K. BHASHYAM :—“ I may say that at present this question is under my consideration.”

SRI R. SURYANARAYANA RAO :—“ Is it not a fact that these Assistant Public Prosecutors are required to submit their diaries through the District Superintendents of Police? ”

THE HON. SRI K. BHASHYAM :—“ I should like to have notice of the question.”

Creation of an independent Deputy Tahsildar's division in East Godavari district.

* 58 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Revenue be pleased to state—

(a) whether it is a fact that the Government have contemplated or are contemplating the creation of an independent Deputy Tahsildar's division with Sub-treasury facilities in the place of the present Deputy Tahsil division of Kothapeta in East Godavari district; and

(b) if the answer is in the negative, whether the Government propose to consider the matter in view of the geographical difficulties due to the “ Vianateyam river ” cutting across the present Razole taluk?

THE HON. SRI K. R. KARANTH :—“ (a) & (b) The Government considered in 1930 and again in 1937 the proposal to convert the Kothapeta sub-taluk in the Razole taluk, East Godavari district, into an independent Deputy Tahsildar's charge with a sub-treasury at Kothapeta but it was deferred in view of the extra expenditure.

“ On the representation of the hon. Member in his letter, dated 3rd August 1946, the Government have again taken up the matter and have called for a report from the Board of Revenue. The Board's report is awaited.”

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Money allotted for irrigation purposes in the Presidency.

* 59 Q.—SRI O. P. RAMASWAMI REDDIYAR : Will the Hon. the Minister for Public Works be pleased to state—

(a) the amount of money newly allotted for irrigation purposes;

(b) how much has been allotted for Tamil Nad, Andhra and Kerala;

(c) how many schemes are going to be taken in the non-delta areas;

(d) and if so, the names of schemes, districtwar;

(e) whether the Government have any intention to restart the T.R.S. division to restore the irrigation tanks in proper condition;

(f) how many irrigation tanks, major and minor, are in the Province, districtwar; and

(g) how many belong to each of the five classifications with their total ayacuts?

THE HON. SRI M. BHAKTHAVATSALAM :—“(a) to (d) The attention of the hon. Member is invited to pages 11, 13, 15, 16–19, 21–23, 26–32 of the Irrigation Budget Estimates for 1946–47 under Grant VIII and XXXIII.

“(e) The question of reviving Tank Restoration Scheme operations in the Ramnad district is under consideration and an interim report from the Chief Engineer (Irrigation) has just been received. This is under consideration.

“(f) & (g) It is not clear what is meant by ‘five classifications’ of irrigation tanks, referred to in clause (g). Their annual repairs and maintenance are not in the nature of ‘schemes’. Copies ^a of statements submitted by the Chief Engineer (Irrigation) and the Board of Revenue are appended. Districtwar particulars regarding ayacuts of minor irrigation tanks in charge of Revenue department and of expenditure in respect of Public Works Department tanks are not immediately available and will have to be obtained from the Collectors and Executive Engineers, respectively, if necessary.”

SRI O. P. RAMASWAMI REDDIYAR :—“May I know, Sir, whether the Government would consider the question of starting a permanent fund called the Tank Restoration Fund to improve and increase the capacity of the tanks in the non-deltaic areas whose capacity is not sufficient to raise a single crop.”

THE HON. SRI M. BHAKTHAVATSALAM :—“The Government will consider the question.”

Production of nativity certificate for admission into Engineering and other colleges.

* 60 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether candidates seeking admission into the Engineering and other colleges are required to produce certificates of nativity;

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(b) what is the object in demanding these nativity certificates;

(c) whether the form of the certificate has undergone any changes since its introduction and, if so, what those changes are;

(d) whether it is a fact that there are complaints that the nativity certificate as it is now framed enables outsiders to claim nativity of districts with which they have no connexion especially in backward districts in order to secure admission into the colleges;

(e) whether it is a fact that often real natives of the district fail to secure admission into colleges even though their attainments entitle them while outsiders with less attainments manage to secure admission; and

(f) whether the Government propose to re-examine the whole question and redraft the form of nativity certificate to ensure the purpose for which it was instituted?

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—

“(a) Yes.

“(b) The object is to decide whether the candidate belongs to the Province or not, for the purposes of admission and the levy of fees. The certificate is also required for the purposes of linguistic representation.

“(c) The form of the certificate was changed in 1946. Copies ^a of the original and the revised forms of the certificate and a copy of G.O. No. 2786, P.H., dated 26th October 1945, are laid on the table of the House.

“(d) Yes.

“(e) No such cases have been brought to the notice of Government.

“(f) The Government will consider any suggestions made in this direction.”

SRI R. SURYANARAYANA RAO :—“Is the Hon. Minister aware—of course I have not got particular instances to be brought to his notice—that there are many outsiders who do not belong to the Ceded Districts who have got into the Engineering and Medical Colleges without producing nativity certificates?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—

“More than general allegations no particular cases have been brought to my notice.”

SRI N. RANGA REDDI :—“May I request the Hon. Minister to say that in deciding questions of nativity, whether it is not enough to say that it is Andhra, Tamilnad or West Coast, instead of mentioning the districts?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—

“I know there are certain areas where difficulties are experienced in finding out whether they belong to Andhra or Tamilnad or West Coast.”

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Disposal of unserviceable articles in the Government Stationery Stores.

* 61 Q.—SRI P. R. K. SARMA : Will the Hon. the Minister for Education be pleased to state—

(a) how unserviceable articles are now disposed of in the Government Stationery Stores;

(b) how and by whom the articles are judged to be unserviceable;

(c) whether without notification or tender notice any articles have been disposed of since 1942 and if so, what they are?

(d) what the actual value and sale proceeds of the articles thus disposed of are; and

(e) why they have not been disposed of by regular tender?

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—

“(a) Articles which are unfit for reissue and which cannot be economically repaired are condemned and set apart for auction.

“(b) Typewriters which are found to be beyond economical repairs are condemned by the Superintendent of Stationery. All other articles are condemned by the Assistant Superintendent.

“(c) & (d) Yes.

	Name of articles.	Sale-proceeds.		
		RS.	A.	P.
1942-43—				
Gunnies		1,830	6	9
Wooden splinters		27	0	0
Bits of hoop-iron		216	0	0
		2,073	6	9
1943-44—				
Gunnies		582	2	0
Bits of hoop iron		140	0	0
Bits of khaki mull sold to employees of stationery stores and office		22	6	0
Wooden splinters		16	0	0
		760	8	0
1944-45—				
Wooden splinters		7	0	0
Bits of khaki mull sold to the employees of stores and office		37	12	0
		44	12	0
1945-46—				
Wooden splinters sold to employees of stores and office		8	1	0
Bits of hoop-iron		170	10	0
		178	11	0

“(e) Articles such as gunnies, hoop-iron, wooden splinters and cloth-bits which would deteriorate by long storage were sold from time to time to the highest offerer. Under the orders of Government condemned typewriters will be sold in public auction by the Superintendent of Stationery shortly.”

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Recommendations of the Madras Salaries Committee.

* 62 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Prime Minister be pleased to state—

(a) what the recommendations of the Madras Salaries Committee, 1945, are in respect of various salaried persons employed under the Government;

(b) what is the annual extra cost these proposals involve;

(c) whether any of those recommendations have been accepted and if so, what they are; and

(d) whether the Government have under consideration or will consider other recommendations in the near future and place on the table of the House the list of recommendations and the action taken thereon?

THE HON. SRI T. PRAKASAM :—“(a) The recommendations were—

(1) To revise the salaries with an average of Rs. 200 and below by the following percentage additions :—

	Percentage.
(a) Salaries of Rs. 15 and below ..	: 3-1/3
(b) Salaries of over Rs. 15 and not exceeding Rs. 50.	25
(c) Salaries over Rs. 50 and not exceeding Rs. 200.	20

(2) To continue dearness allowances in addition to the increased pay scales recommended.

(3) To give better salaries, than those arrived at on the percentage increase basis, to the services engaged in the social well-being of the people.

(4) To revise the salaries of over Rs. 200 in the Subordinate Services generally with a view to avoiding overlapping of scales with the *revised* scales for corresponding lower posts.

(5) To make uniform the salaries of Provincial Services as far as possible and to fix the starting pay at Rs. 250.

(6) To abolish the existing differentiation between the pay of women officers and corresponding men officers in the Educational and Medical Departments.

(7) To extend to all services the principle of starting promotees from the Subordinate Service to the corresponding Provincial Service at a higher stage than the minimum of the time-scale.

(8) Not to revise pay scales with an average of over Rs. 500 except in special circumstances.

(9) To start every person entering the new scales at the next higher stage so as to give an immediate increase of at least Rs. 4 to every person in the low-paid establishments up to and including lower division clerks.

(10) The Presidency and other allowances now given to Government servants in the Madras City should be continued at the existing rates, and municipal towns with a population of 100,000 and over should be treated in the same manner as the Madras City.

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(11) All peons, or at least peons in the Excise department, should be treated as Government servants in Superior Services for purposes of pension.

“(b) The extra cost involved in the revision of salaries based on the recommendations of the Madras Salaries Committee, 1945, was estimated at Rs. 116.97 lakhs, distributed under the following heads :—

		LAKHS.
	RS.	
(i) (1) Increases in salaries the average of which does not exceed Rs. 200.		102.63
(2) Special increases over percentage additions in the case of certain appointments required for the social well-being of the people.		5.28
(3) Special technical posts (31 Gazetted and 45 non-Gazetted).		.76
(4) Increase in the initial pay of Gazetted officers.		5.76
(5) Increases in salaries, the average of which exceeds Rs. 200—		
Non-Gazetted	1.47	
Gazetted	.23	1.70
(6) Special increases—all in the Excise department—		
Non-Gazetted.. .. .	.06	
Gazetted	.78	.84
	Total ..	116.97

(ii) The cost of recommendation (9) was estimated at Rs. 6.88 lakhs per month.

(iii) The cost of giving effect to that portion of recommendation (11) detailed under question 91 (c) is estimated roughly at Rs. 5 lakhs per annum. It is not possible to work out the cost of giving effect to the entire recommendation.

(iv) The cost of recommendation (10) cannot be worked out within the time available.

“(c) The recommendations of the Salaries Committee, 1944-45, were accepted only to the extent of removing the upper limit for pensions relating to inferior Government servants.

“(d) Government have appointed a Committee of the Cabinet to consider the question of the salaries of Government servants drawing salaries of Rs. 200 per mensem and below. This Committee will consider all the recommendations of the Salaries Committee during the investigation of the question.”

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Salaries of all classes of Provincial Service.

* 63 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Prime Minister be pleased to state—

(a) whether the starting salaries of all classes of Provincial Service are uniform;

(b) whether the increment scales are the same in respect of all Provincial Services;

(c) whether all the officers of the Provincial Services belong to Gazetted rank;

(d) whether the Salaries Committee, 1945, went into this question also and if so what their recommendation is; and

(e) whether the Government propose to give effect to the Salaries Committee's recommendation?

THE HON. SRI T. PRAKASAM:—“(a) No.

“(b) No.

“(c) Yes.

“(d) The Salaries Committee, 1945, recommended that, as far as possible, the salaries of Provincial Services should be made uniform and that the starting pay should be Rs. 250.

“(e) The Government have referred the question of the salaries of all Government servants in receipt of salaries of Rs. 200 per mensem and below to a Committee of the Cabinet. It is likely that this Committee will also consider the recommendations made by the Salaries Committee referred to under question (d) above.”

Constitution of a Development Board.

* 64 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR: Will the Hon. the Prime Minister be pleased to state—

(a) whether the Government have constituted a Development Board;

(b) if so, what is its composition;

(c) how is it constituted;

(d) who is its chairman;

(e) what will be its specific functions; and

(f) whether the Board or its Chairman will be in a position to review a decision of the Ministers?

THE HON. SRI T. PRAKASAM:—“(a) to (e) The attention of the hon. Member is invited to the answer to unstarred question No. 1.^a

(f) The answer is in the negative.”

Separate burial and cremation grounds for the use of different communities.

* 65 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Public Health and Medicine be pleased to state—

(a) whether separate burial and cremation grounds are provided by the local bodies for the use of different communities;

(b) whether the cost of such provision is not out of public funds;

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(c) whether there is provision in law enjoining the various communities to use only the burial grounds and crematoria provided for them separately;

(d) whether indiscriminate use of these is punishable under the law now obtaining;

(e) whether Harijans are not allowed to use the burial grounds and crematoria provided for the Hindus; and

(f) whether the Removal of Civil Disabilities Act, 1938, confer on the Harijans the right to the use of burial grounds and crematoria meant for Hindus?

THE HON. MRS. LAKSHMIPATHI :—“(a) & (b) The attention of the hon. Member is invited to sections 278 to 285 of the Madras District Municipalities Act, 1920, and sections 140 to 146 of the Madras Local Boards Act, 1920.

“(c) & (d) The attention of the hon. Member is invited to section 297 of the Indian Penal Code, 1860.

“(e) The Government have no information on the point.

“(f) The Act will apply in the case of burning and burial grounds maintained out of the funds of a local authority if they could be regarded as institutions and are secular in character. So far there has been no judicial pronouncement on this question.”

Nativity certificates for admission into Medical Colleges.

* 66 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Public Health and Medicine be pleased to state—

(a) the nature of nativity certificate required from candidates seeking admission into Medical Colleges;

(b) whether the form of this certificate has remained the same since its introduction;

(c) whether the form has undergone any change during last year; and

(d) what circumstances necessitated the changes, if any?

THE HON. MRS. LAKSHMIPATHI :—“(a) It is a certificate intended to show the district to which the candidate belongs.

“(b) & (c) The form was changed in 1946.

“(d) The certificate indicates the district to which a candidate belongs. The original certificate was issued without reference to the place of birth and it did not indicate the circumstances with reference to which the candidate was certified to be the native of a particular district. The onus of proof was left on the Revenue authorities who issued the certificate but there were no instructions to guide them and the selection authorities merely acted on these certificates issued without any data for checking them or any principles with reference to which they were to be checked. It was therefore necessary to prescribe a form of certificate and to lay down instructions for the guidance of the candidates and the authorities who issued the certificates and the selection authorities who have to accept them.”

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SRI N. RANGA REDDI :—“ Will the Hon. the Minister be pleased to consider the appointment of a committee for deciding the question of nativity in view of the fact that the present rules have been found very unsatisfactory? ”

THE HON. MRS. LAKSHMIPATHI :—“ New rules have been framed for the purpose of issuing nativity certificates and therefore it may be suitable to have a committee for that purpose.”

SRI N. RANGA REDDI :—“ Will the Hon. the Minister be pleased to consider that the form of the certificate as enunciated at present gives scope for the children of Government servants to obtain nativity certificates to the detriment of the people of the soil? ”

THE HON. MRS. LAKSHMIPATHI :—“ I request the Member to put a separate question on the subject.”

THE HON. SRI V. V. GIRI :—“ Mr. President, I may be permitted to answer questions 67 and 68 to-morrow.”

Location of the Government Stationery Stores.

* 69 Q.—SRI P. R. K. SARMA : Will the Hon. the Minister for Education be pleased to state—

(a) where the Government Stationery Stores is now located and how long it has been there;

(b) whether the buildings of the Stores in the First Line Beach have been delivered back to the Government by the military who were occupying it and if so, when it was delivered back and why the Stores has not been removed there immediately;

(c) what the rent of the present premises is and what is the expenditure additionally incurred since 1942 on carting expenditure of goods daily from Madras to Guindy and back again to Madras; and

(d) when it is proposed to remove the stores to its own buildings?

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—

“ (a) The Government Stationery Stores is now located at Guindy. It has been there since 22nd June 1942.

“ (b) Yes, in June 1946. The godowns attached to the buildings of the Stationery Stores are now in the occupation of the Civil Supplies Department for storing food grains. Without the godowns, the Stationery Stores cannot be moved back to the First Line Beach.

“ (c) The rent of the present premises at Guindy is Rs. 810 per mensem. The expenditure incurred since 1942 on the carting of goods daily from Madras to Guindy and back again to Madras is as follows :—

					RS.
1942-43	..	..	..	..	27,013
1943-44	..	..	..	..	26,152
1944-45	..	..	..	..	31,973
1945-46	..	..	..	..	30,157
1946-47 (up to date)	..	..	..	..	6,993

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“(d) When the godowns are relinquished by the Food Department.”

SRI P. R. K. SARMA :—“ May I know, Sir, whether in view of the fact that there is much wastage due to carting of the materials from one place to another, Government would consider the desirability of removing the stores to the City of Madras.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—
“ The Government have considered and are considering the question ; but the difficulty is that they are not able to get back the godowns themselves.”

Alleged damage caused to the Stationery in the Government Stationery Stores.

* 70 Q.—SRI P. R. K. SARMA : Will the Hon. the Minister for Education be pleased to state—

(a) whether any stationery were damaged in the Government Stationery Stores in the present premises at Guindy by white-ants and rains, and if so, what the articles and the approximate loss are; and

(b) whether any action has been taken in connection with the damage and loss?

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—

“(a) & (b) The following articles were damaged by white ants and rains :—

Description of articles.	Quantity.	Value.	
		RS.	A. P.
By white ants—			
(i) Semi-bleached I F 18½ lbs. paper (Sirpur).	Reams 2—3	15	12 0
(ii) White cartridge royal 60 lbs. (Sirpur).	„ 0—2¼	15	9 0
(iii) Exercise Note-Books of 64 pages.	Nos. 325	45	11 3
By rains—			
(iv) Flopping paper	Sheets 250 }	29	0 0
Stencil paper	„ 119 }		

“ The cost of the articles was written off by the Superintendent of Stationery.

“ Items (i) and (iii) were used in the packing section for packing purposes.

“ Item (ii) was sent to the Superintendent, Government Press, Madras, for being cut into Ration cards size and used to the best advantage possible.

“ Item (iv) These papers though drenched were dried in the sun and made fit for use.”

SRI P. R. K. SARMA :—“ Is the Hon. Minister aware that all this wastage was brought to the notice of Government by the workers' union concerned? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIAR :—

“ I am obliged to the union.”

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MR. PRESIDENT :—“ Is the answer to the short notice question ready or may it be taken up to-morrow? ”

THE HON. SRI T. PRAKASAM :—“ I am not sure if it will be ready to-morrow. We might have it day after to-morrow if you please, Sir.”

MR. PRESIDENT :—“ Yes.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENT BY THE HON. THE PRESIDENT.

* MR. PRESIDENT :—“ I have to announce that the following message, dated Fort St. George, the 10th September 1946, has been received from the Hon. the Speaker of the Legislative Assembly :—

‘ In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1946 (L.A. Bill No. 2 of 1949), as passed by the Assembly on the 10th September 1946 and signed by me for the concurrence of the Council ’.”

GOVERNMENT BILL.

III.—THE MADRAS TENANTS AND RYOTS PROTECTION BILL, 1946, AS PASSED BY THE LEGISLATIVE ASSEMBLY.

THE HON. SRI K. R. KARANTH :—“ Mr. President, I move—
‘ that the Madras Tenants and Ryots Protection Bill, 1946, as passed by the Legislative Assembly, be taken into consideration.’

“ In making this motion, I shall briefly explain the objects and scope of the Bill. Hon. Members are aware that a Committee was appointed by the Congress Government in 1938 regarding the Estates Land Act. It went exhaustively into the question of tenures and the condition of tenants in estates and made its report. Similarly for the district of Malabar a Committee called Kuttikrishna Menon Committee was appointed by the Congress Government and that Committee examined the question of tenancy in Malabar and made a report. There are two reports on these questions. With regard to the latter report, the Adviser Government have kept it aside on account of the war and after this Government came into office, the Board of Revenue has been asked to go through its recommendations and then to report upon them. A special officer is also going into them. Pending consideration of these matters, it has now been brought to the notice of Government that a large number of suits and eviction proceedings are pending in the areas covered by these two reports. A large number of tenants are likely to be evicted in case a stay legislation of this kind is not brought in. This legislation is brought in so that necessary relief may be granted before the main legislation on both these questions are brought in. I understand that in the district of Malabar, there are pending about 9,000 suits involving eviction of which 5,000 are in North Malabar and 4,000 in South Malabar. Apart from these there are execution and other proceedings pending. Generally, this will be the position with regard to the Estates Land Act areas also.

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“ For the purpose of giving the tenants a breathing time before the main legislation is brought in, this legislation has been brought in. It is the intention of Government to bring in the legislation as early as possible, even in the course of this year itself.

“ In order to see that there is no real hardship to the landlord, it has been provided that the tenant must pay two years' rent in respect of the past period and in future also he must make the necessary annual payments. Provision has been made to make over to landlords deposits made by the tenant in courts where there is no dispute. Safeguards have also been provided against cases of waste and the powers of the courts under section 94 of the Civil Procedure Code to appoint Receivers or to do other things are also reserved. If in any particular class of cases it is brought to the notice of Government that there is real hardship, powers have been taken under clause 5 to cancel stay and allow proceedings to go on. Clause 7 is of the usual kind, so that if there are any difficulties, they may be removed.

“ In this connexion, I beg to submit that yesterday a difficulty was brought to my notice by my hon. Friend Mr. Narayana Menon. It was a difficulty which was not foreseen by me earlier. Two years' rent is compulsorily payable under the existing provision. In the case of suits which were filed three or four years ago where the amount claimed in the plaint may be very small, say ten rupees, for all this period of two or three years of the pendency of the suit, there would be no payment at all. That kind of cases must also be covered. I found the objection was genuine. Therefore, I am moving an amendment though it would involve the Bill going back to the other House. An injustice like that which was pointed out must be remedied. I request the House to accord their whole-hearted support; in the other House also, it met with unanimous approval and I request the House therefore to pass the Bill.”

* DR. V. K. JOHN :—“ Mr. President, I congratulate the Hon. Minister on introducing this measure which I consider to be absolutely necessary and I am also very pleased that, when some difficulty was pointed out, he was ready to get it amended by this House.

“ Personally, I feel that by providing for a period of two months within which to pay the rent, Government are taking away by one hand what they gave with the other. In practice, it will not mean much of a benefit to the tenant if, in order to get the benefit of this measure, he has compulsorily to pay two years' rent within a period of two months either after the commencement of the Act or the institution of the suit. After the institution of the suit, it will take perhaps a month or two for him to receive the summons and that would mean that he would have to pay it immediately. In a large majority of cases, tenants find it very difficult to pay rent and the Malabar Tenancy Act provides that if rent for three months is not paid, there can be a suit for eviction. It would be a very great hardship for the tenant to be told that to get the benefit of the provisions of this Act he must pay the rent within the period laid

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down here. On the other hand there could have been an unconditional provision to the effect that a tenant shall not be evicted at all. I have every hope that when Government introduce comprehensive legislation bearing on this question, they will give protection to the cultivating tenant so that he will not be evicted, but he will be enabled to become the owner of the land. Instead of it being unconditional, you have imposed a condition and in practice, it will be found that this Act which has been brought with very good intentions in order to help the tenant, may not help him at all. Besides, it is the practice in almost every court that when something is paid, the execution proceedings are stayed. Now under the Act he must pay 2 years' rent. If a man pays 6 months' rent or 1 year's rent and asks for stay the District Munsif or the District Judge will be helpless and cannot give time and adjourn proceedings. I put it to the Minister that he will not be conferring any benefit on the cultivator.

"Then, Sir, providing for a period of two years for this Act is wrong. This Act is to operate till another legislation is brought in and that enactment must surely repeal this enactment. I can understand under certain set of circumstances, brought about by a declaration of war, a legislation may be in force for the duration of the war or for a period of years. But this Act is brought with the express intention, as mentioned in the Statement of Objects and Reasons, of bringing another piece of legislation. Why mention a period of two years? That legislation, the Hon. Minister says, will be introduced in one year, and it will certainly repeal this Act. I say that it is not in order to provide in a Bill like this for a period of operation for this Bill.

"It is against principle, in my opinion, to provide as they have provided in clause 6 'all suits and proceedings . . . stayed'. I say, Sir, that is legislating by an Act after the expiration of that Act. We want to make a provision when this Act expires the other Act can be enforced. I think the House ought not to take responsibility for such a clause. I put it to the Hon. Minister that there is no need for a clause like clause 6 which says 'after the expiration of this Act be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed.' I can understand a particular period being mentioned and for that, this Act can provide for something, but 'on the expiry of the Act' one cannot understand how it can operate. When an Act expires, other Acts bearing on the question automatically apply, without it being stated in an Act which lapses. How can you provide for something after the expiration of the Act and not after the expiration of a period of time. This is bad drafting.

"There is a proviso to clause 6 'provided that in the case . . . defendant.' This provision is redundant. There is a provision in section 35 (a) of the Civil Procedure Code providing that when a suit is vexatious, or false, compensation can be paid to the extent of Rs. 1,000. The proviso to section 6 of this Bill says, if a suit is dismissed the plaintiff will not get costs at all. That is the general law. Here is a provision that if a suit is vexatious or

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unnecessary, the court can deprive the plaintiff of his costs. The court has a discretion to deprive a plaintiff of his costs even if his suit is decreed. I do not see the necessity for providing in this Act for what the courts are already competent to do. Section 35 (a) of the Civil Procedure Code provides for compensation. I suggest to the Hon. Minister that clause 6 may be omitted because it is providing for something after the expiration of this Act, and it is providing for something which is already provided.

"I also suggest to the Hon. Minister that while clause 5 only takes power for the Government to order that suits and proceedings may be proceeded with, the Government should also take power to stay proceedings if required. Now clause 4 provides for payment of rent and stay of suits on condition that rent is paid. There may be cases of poor tenants being unable to pay within two months two years' arrears. Government know that in spite of legislation protecting the tenants, there are 9,000 eviction suits in Malabar, and 5,000 suits in other districts. Clause 5 provides power to order the court that proceedings shall be proceeded with. I suggest to the Hon. Minister to take power also to stay proceedings even though the conditions provided in clause 4 may not be fulfilled. If they have that power and after a month, they find evictions are going on on account of the inability of the poor to pay the rent, they can exercise that power and stay proceedings. Now they have not the power and thus there is no question of exercising it. They have provided for payment of rent within two months and stay of suits. Courts have no power to stay suits. Formerly courts had the power to stay and adjourn proceedings if part of the amount due was paid. You take away that discretion now. Actually this Bill is more in favour of the landlord than the tenant. I suggest, Sir, that if Government's intention is to assist the tenant, it is very much better to take power, to order the staying of certain classes of suits in spite of clause 4. He may amend section 5 as well for the purpose of taking larger powers for Government if it is the intention in this Act to assist the cultivating tenant and save him from being turned out of his land."

* SRI K. NATARAJAN :—"Sir, the principle underlying the Bill is to protect the tenant. We know, Sir, proceedings are sought to be stayed. There need be no stay for suits for exchange of pattas and also proceedings for appraisal. There is also another procedure in the Estates Land Act, namely, distraint of movable property including food crops, that if the Government really is intent on protecting the status of the tenants, I would have expected the proceedings taken by the landlord for distraint of movables and crops also are stayed. I do not personally know what the reasons are that prompted Government to see that this category of proceedings should not be stayed. This category of proceedings is more harassing to the tenant and the ryots than proceedings for eviction. These are immediate summary proceedings whereas proceedings for eviction are legal proceedings, and they take some time, and remedies are available in law courts. I wish therefore this may be considered by Government, especially

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when the Bill is going back to the Legislative Assembly for the purpose of confirming the amendment made in this House. Nor is it desirable to bring in a supplemental legislation for this purpose.

" I have got two more suggestions. Even under the Estates Land Act, there is a section, section 151, which provides for the eviction of the ryot on the ground that he is making a serious waste of the property, and a series of succeeding sections provide the procedure for that purpose. Here in this Bill in addition to that procedure what is contemplated is a remedy provided by section 94 of the Civil Procedure Code. The Estates Land Act has already got this provision for the purpose when eviction proceedings are taken by the landlord on the ground that the ryot is making a waste of the property. I believe, therefore, it will not be necessary to invoke the aid of section 94 of the Civil Procedure Code. I would urge on the attention of the Minister that section 3 of the Bill gives room for a certain state of affairs which I am sure was not contemplated by the framers of the Bill. Under section 3 no holdings of a tenant shall be liable to be sold or brought to sale in pursuance of a decree or other proceedings for recovery of rent. This section as it is worded may perhaps convey the idea that all suits and proceedings are included, and it may be argued that ordinary evictions in execution of suits for recovery of money due to decree-holders against judgment-debtors, who happen to be ryots will also have to be stayed. It is not clear if it is the idea of the Hon. Minister that such decrees also should be stayed. I suggest that the section may be made clearer so as to stay execution proceedings by the ordinary money decree-holders or mortgage decree-holders against tenants stayed. A trespasser may put in an application before the court that he has got the status of a tenant. Already the section under the Estates Land Act provides for eviction of trespassers.

12-30
p.m. " The sections of the Estates Land Act may be retained as a saving clause with reference to trespass. This is all that I want to suggest. Then as regards the last clause, viz., if any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, by order, do anything which appears to them necessary for the purpose of removing the difficulty. This kind of power to remove difficulties however apposite and appropriate it may be to the provisions of the Local Boards Act need not be contemplated here. Because the machinery contemplated under the Estates Land Act is so very comprehensive that it would cover unforeseen and unforeseeable circumstances. I speak subject to correction that this section will be a little out of place in a section which deals with substantive rights and regulates the special rights conferred upon individuals. This is all I have got to say."

* SRI K. MADHAVA MENON :—" Mr. President, Sir, this piece of legislation is not at all too early. The Malabar Tenancy Act of 1929 required amendments very badly and a committee was appointed by the Congress Government in 1938, but before its

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findings could be given effect to, the Ministry resigned. The defects in that Act were so glaring, because it gave a sort of loophole to the landlord to evict the tenant for the *bona fide* purpose of his cultivation or cultivation by any members of his family. That was interpreted by the High Court to mean that, if a landlord expresses his intention that he wants to cultivate for his own purposes, a decree of eviction should be passed. It was too much even for the Advisers' regime. The Advisers' regime thought that that was not the intention of the Act and amended it by saying that the *bona fide* has to be proved before eviction. In spite of the amendment, as the Hon. the Revenue Minister has said, more than 90 per cent of the suits pending in the courts of Malabar are for eviction of tenants. My lawyer friends of Malabar have been telling me that their profession will go if this piece of legislation is passed. Even at the risk of lawyers losing some cases, protection has to be given to the tenants because we know that the number of cases has increased and additional courts have been established in Malabar. Fortunately or unfortunately, people have large sums of money. Money suits are not much in evidence there, because every debtor pays his debt. Ninety per cent of the suits in Malabar are for eviction of tenants. Because there is the fear that the Congress Government originated the tenancy legislation before and that tenancy legislation may come very soon, the number of suits for eviction of tenants are in galore there. So this is just the time that the Revenue Minister has brought forward this piece of legislation to stay suits.

“ Mr. Natarajan was complaining that simple money decrees might be stayed. My complaint to the Revenue Minister was that there was a loophole which my lawyer friends might find here that the landlords can obtain a simple money decree and attach all his bulls, and his articles, and arrest his person. I feel that within six months or a year, the necessary legislation will come. On that ground I do not want to postpone this Act even by a minute. So I do not want to suggest any amendment to this Act.

“ After the publication of this Bill, I have heard the criticism that relief was given to agriculturists by the Madras Agriculturists Debt Relief Act six years ago in that if he had paid two years' rent then, all the prior rent was exhausted. Why should a moratorium should be given now again after six years? I may tell for the information of the House that a large number of tenants could not take advantage of the provision in that Act to pay two years' rent, because the rent was so high and they had no money. When that is so, certainly it is just to see that the Act is amended and relief given.

“ I do not agree with Dr. John that the period of two months allowed to deposit the rent is not sufficient. Times have changed now. The tenants have got money, and every tenant knows that this Act will give him two months time. Two months after passing this Act is quite sufficient, and no hardship is likely to occur. So this piece of legislation is absolutely timely and I am sure the people of Malabar—I do not know the conditions in other parts of

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the Province—will be only too grateful to the Government for having taken up this and given relief by staying the suits and the execution of decrees.”

* THE HON. SRI K. R. KARANTH :—“ I could not fully understand the objection of my learned Friend Dr. John. When he came to the question of proviso to clause 6 about the plaintiff being deprived of the costs of suit I thought his sympathies were more with the plaintiff than the defendant. The landlord will be the plaintiff in these cases. When he came to the provision relating to payment of rent he wanted to go much farther than the Government is prepared to go. I submit that it was after deep consideration that the provision of two years was inserted. I have heard, Sir, that in the Estates Land Act area there were some decrees pending which involve rents of 12 years, which are about to be time-barred under the Civil Procedure Code. So taking all these things into consideration we thought two years was a reasonable period, because there must be some limit. If it is less than two years the tenant has to pay whichever is less and not more. That there should be a stay all over without asking the tenant to pay anything might be a popular argument. But it would not be to hold the scales justly between the landlord and the tenant, though in cases like these some sort of equity is needed in favour of the tenant. As regards the time there can be no hardship because we have provided under clause 4, sub-clause (4) that if a party is prevented for sufficient cause from making deposit the court has been given power and discretion to extend the period. Further all the tenants are aware of this Bill and there is time given for payment.

“ Then I will deal with other points which I may submit are not material. For example my hon. Friend asked: ‘ After the expiration of the period how can this Bill enact for anything? ’ It is quite common for people to execute wills for the future as to what would happen after they die. Similarly this legislation says that after the period provided for is over, all suits stayed under this Act shall be proceeded with from the stage which had been reached when they were stayed. If the main legislation comes which might cover the same ground, all these suits will be proceeded with from the stage at which they were stopped by this legislation. As regards the proviso to clause 6, at the worst it can only be called redundant and nothing more. Then my friend asked: ‘ What is the need for this proviso dealing with costs when there is section 34 of the Civil Procedure Code? ’ I am quite aware of those provisions as much as the hon. Doctor. But here it is for this purpose. The idea of this legislation is that the landlords should not rush to courts on a large scale in order to evict tenants. It may be that a man who can afford to wait for a little longer before the period of limitation expires may rush to court and file a suit. In a normal case, the suit is likely to be decreed and the plaintiff will get his costs. But here it is necessary that a contrary provision should be put in. But the provision made here is not even compulsory. The court *may*, if satisfied that such a suit is vexatious or unnecessary, deprive the plaintiff of his costs.”

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* MR. PRESIDENT :—“ If the court is satisfied that evictions are unnecessary, the suit is dismissed with costs.”

* THE HON. SRI K. R. KARANTH :—“ Suppose, Sir, the limitation is one year or more. The landlord can wait. But still he files in order to mulct the defendant with costs. One of the consequences of the suit will be that expenditure would have been incurred. He takes advantage of the ordinary law in order to mulct the defendants with costs. Under such circumstances, he could well afford to wait. In such cases, a direction is given under this Bill, which is not compulsory or mandatory, that landlords who rush to courts and file suits unnecessarily may be deprived of the costs, whereas normally it is not so. The provision gives discretion to the courts.

“ With regard to the power of stay, I am glad that the hon. Doctor, who strongly objected to the Government taking any power yesterday in another Bill and said that it was opposed to democracy and so on, is kind enough to go much further to-day and say for the classes of suit mentioned here, Government should take power to do anything they like, anything they think necessary. If, however, I had put in a clause to that effect, I would have been out of court. At least the other members would have opposed it much more than what they did with regard to the Bill of yesterday. Therefore I cannot accept the advice which the hon. Doctor has given in that behalf. I wish I can always take power, but it is not necessary to do so.

“ The question of distraint of movables was raised by my hon. Friend Mr. Natarajan. The object of this legislation is to see that the tenants are kept on to their holdings till we bring in the main legislation. If we are straightway to wipe off all rents so that there may be no distraint, the public and the Legislature might not be able to go the whole hog with the Government, and therefore it is that we are having clauses to provide for payment of two years rent. Here we have said: Let them be kept on to their holdings by a certain simple remedy. It is impossible to cover all cases or to remove all distraints. I know that distraint of movables leads to hardship. But this is a matter which can be justly dealt with in the main legislation and not in the present Bill.

“ Clause 7 was referred to by my hon. Friend Mr. Natarajan. If I am not mistaken, it was suggested by one hon. Member on the other side that if the Hon. Minister for Local Administration had put the clause as I had put it, there would have been no difficulty whatever. Here what we have done is simply to provide that if any difficulty arises in giving effect to the provisions of this Act, and not for anything else, the Government may by order do anything which appears to them necessary for the purpose of removing the difficulty. These are very small matters. The main principles of the Bill are, I take it, agreed to, and I hope the Bill as it stands might find the acceptance of the House.”

The motion was put and carried.

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Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4.

* THE HON. SRI K. R. KARANTH :—“ I move—

For clause 4 (2), the following shall be substituted :—

“ (2) *Where in a suit for eviction there is also a claim for rent, the tenant shall within two months from the date of the commencement of this Act or of the date of the institution of the suit, as the case may be, deposit in court, for payment to the landlord—*

(i) *in the case of a suit instituted before the commencement of this Act, the arrears of rent accrued due until the date of the commencement of this Act, at the rate claimed in the plaint or an amount equivalent to rent for two years at the rate aforesaid, whichever is less,*

(ii) *in the case of a suit instituted on or after the commencement of this Act, the arrears of rent claimed in the plaint, or an amount equivalent to rent for two years at the rate claimed in the plaint, whichever is less,*

together with such interest as may be payable under law, custom or agreement ”.

“ As I have already submitted, the difficulty in the old clause was this. While it provided for payment of two years' rent in the case of decrees already passed and suits to be filed hereafter there was one class of cases not foreseen. In a case pending for some considerable time a man paying ten rupees also would get a stay. This provision is to provide for payment of two years' rent in such cases also.”

The amendment was put and carried.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ I move that—

sub-clause (8), shall be re-numbered as sub-clause (8) (b) and the following shall be added as (8) (a) :—

“ (8) (a) *Where the landlord has increased the rate of rent or amount of rent and the tenant or ryot has not agreed to such increment the amount to be deposited under sub-clause (2) or sub-clause (5) shall be the admitted amount of rent or the amount calculated on the basis of the rate of rent or amount of rent that was being paid prior to such increment, whichever is greater ”.*

“ This amendment is intended to give relief to the tenant or the ryot. Cases have occurred recently where with a view to harassing the tenant the rents have been increased and in such cases it is intended that the ryot may be allowed to deposit rent on the basis of the old rate which has been in vogue before enhancement. It is but just and reasonable that the ryot should be allowed

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to pay the rent at the existing rate and not the rent newly claimed by the landlord. It is just and legitimate relief that is sought to be given and you are not taking away the right of the landlord. It will give hardship neither to the tenant nor to the landlord. I hope Government would accept it."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I second it."

* THE HON. SRI K. R. KARANTH :—" I beg to submit that it is not possible for me to accept the amendment. It will introduce unnecessary complications. My hon. Friend's amendment does not say any period of time within which the increase might have taken place. The court will have to go into each case to see whether the rent has been increased and when it has been increased. It is unnecessary to introduce such complications. On the other hand he will find that wherever there is a dispute the court is empowered to make over such payment as it thinks fit. In a stay matter like this it is not advisable to get into complications. After all the stay must be for a small period."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" If the Government is willing to limit the period of increase to two years or even one year I have no objection. In anticipation of some legislation they would have increased the rent and it is to obviate that difficulty this is suggested."

* THE HON. SRI K. R. KARANTH :—" I have nothing more to add."

The amendment was put and lost.

Clause 4 as amended was put and carried.

Clause 5 was put and carried.

Clause 6 was put and carried.

Clause 7.

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" I move—

'In clause 7, for the words "do anything which appears to them necessary" the words "do whatever is necessary" shall be substituted.'

"The reason for this is obvious. Anything that appears necessary to a particular person need not be reasonable. There must be some kind of check. 'Appears necessary' does not seem to be reasonable and proper."

HAMID SULTAN MARAKKAYAR SAHIB BAHADUR :—" I second it."

* THE HON. SRI K. R. KARANTH :—" The amendment is not necessary. 'May do anything which appears necessary' is governed by the first part of the clause, viz., if any difficulty arises to give effect to the provisions of this Act and not to do anything beyond the scope of the Act."

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The amendment was by leave withdrawn.

Clause 7 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI K. R. KARANTH :—" I move—

' That the Bill be passed into law '."

The motion was put and carried.

IV.—INCREASE IN THE MAXIMUM AMOUNT OF THE GUARANTEE GIVEN BY THE GOVERNMENT IN RESPECT OF THE DEBENTURES ISSUED BY THE MADRAS CO-OPERATIVE CENTRAL LAND MORTGAGE BANK, LIMITED.

* THE HON. SRI V. V. GIRI :—" I beg to move the following resolution :—

' This Council recommends to the Provincial Government that they may, under sub-section (2) of section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934, increase the maximum amount of guarantee given by them in respect of the debentures issued by the Madras Co-operative Central Land Mortgage Bank, Limited, up to a total face value of Rs. 400 lakhs, exclusive of such debentures as the Bank may from time to time redeem such debentures being issued for periods not exceeding in any case 25 years from the date of issue and bearing interest at a rate not exceeding 5 per cent per annum.'

" An explanatory note^a has been circulated to the hon. Members of the House. I do not propose to make any speech at this stage and the resolution is now before the House.

" Section 4 of the Madras Co-operative Land Mortgage Banks Act empowers the issue of debentures by the Bank on the security of mortgages and other assets transferred by mortgage banks to the Central Land Mortgage Banks. Under Section 5 of the Act, the Registrar is the trustee whose previous sanction has to be taken.

" Under Section 6, the Government of Madras may guarantee the debentures issued by the Central Land Mortgage Bank, and under section 6 (2), the Government may, after consulting the Legislature, increase the maximum amount of any guarantee given by them.

" On the 31st of August 1946, debentures of the value of Rs. 3,49,61,500 were in circulation. The guarantee is therefore exhausted.

" The bank can issue debentures only to the extent of the loans disbursed by it on the security of first mortgage of agricultural lands in the Province of Madras.

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“ The amount of loan sanctioned does not exceed 50 per cent of the estimated value of the land proposed to be mortgaged, and the valuation is based on the values which existed prior to war.

“ As against a sum of Rs. 242 lakhs due to the Central Land Mortgage Bank on 30th June 1946, the value of the properties mortgaged to the bank was estimated at Rs. 8:34 crores.

“ Debentures are issued with the condition that they are irredeemable for a period of ten years from the date of issue. Thereafter the bank has the option to redeem all or some of the debentures on three months' notice. In order to accumulate funds to pay off debentures on maturity as per the advice of the Reserve Bank of India, the bank has constituted a Sinking Fund. The sinking funds are invested either in Government securities or in bank's own debentures. On 30th June 1946, the bank has a sum of Rs. 112 lakhs in its sinking fund investments.

“ The bank has worked for 16 years now. The primary banks have all along been paying their obligations to the bank without leaving any arrears at the end of the co-operative year.

“ The borrowers have also been paying off their instalments in time to the primary banks and the arrears have been negligible. There is no fear of the bank not being able to realise the full amount due on loan account from the borrowers.

“ As the debentures are guaranteed by the Government, they are trustee securities and are also approved securities under the Insurance Act. The guarantee enables the trust funds and insurance funds to be invested in debentures.

“ The debentures besides being supported by the mortgages and are also supported by the share capital and reserve of the Central Land Mortgage Bank, which on 30th June 1946 amounted to Rs. 31,45,068.

“ The bank has been meeting its obligations in respect of interests and principal on debentures in time, all along. There is no likelihood of the Government ever being called upon to make good their guarantee. By the Government's security, the bank will be enabled to borrow in the market at cheap rates of interest and pass on the benefit to the agriculturists. Its latest series for Rs. 25 lakhs was issued at $2\frac{3}{4}$ per cent and was heavily oversubscribed.

“ The Government have guaranteed already up to Rs. 350 lakhs and now the bank requests for a further guarantee of Rs. 50 lakhs. The Registrar has recommended the raising of the guarantee. There is no need for any general apprehension that there will be no limit for the amount that will have to be guaranteed by the Government. There is the amount of debentures redeemable every year, and this will be equal to the amount of debentures floated, a fresh issue resulting in no further increase. Therefore, the withdrawal of guarantee is inadvisable.”

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* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, those of us who are co-operators are deeply grateful to the Government for coming forward to give additional assistance to this great movement of Land Mortgage Banks. As the Hon. the Minister has said, the Central Land Mortgage Bank has done splendidly well. It has already won the admiration of all for its capacity to conduct good business and to come to the assistance of cultivators when they are in need.

“ Sir this Central Land Mortgage Bank to which the Government propose to give further guarantee for raising more capital should be enabled to be of greater use to the ryots. But somehow the Government always stand in the way of the bank becoming more useful. I shall only instance the question of the reduction of the rate of interest. Sir, the Central Land Mortgage Bank, as the Hon. Minister said, just now, was able to raise Rs. 25 lakhs recently at $2\frac{3}{4}$ per cent. Generally its debentures have been raised at the rate of 3 per cent. But the ultimate borrower gets loan from it at the rate of 6 per cent. It is not understood why, in spite of the repeated representations made by the Central Land Mortgage Bank that it would be able to manage with a less margin, the Government—perhaps advised by the Reserve Bank of India insist on this greater margin of 3 per cent.

“ Then, Sir, I am one of those who believe that this bank, if it is to be useful, should be able to lend money at a rate of interest lower than that at which the ryot is able to raise in the village. At present the ryot is able to raise the loan he requires for his purpose at a much lower rate than 6 per cent. I should like, Sir, the Hon. the Minister to look into this matter. As he is aware, it has been brought to his notice time and again.

“ Another thing to which I should like to draw the attention of the Hon. the Minister is the immediate necessity to have a survey of the mitta and zamin lands. Most of the present land mortgage banks are not able to function as efficiently as they would have done, if the survey of the zamin lands had been made. This request is made year after year, but nothing has been done by the Government. It may require the amendment of the Estates Land Act.”

* THE HON. SRI V. V. GIRI :—“ They may themselves have to be liquidated.”

* SRI R. SURYANARAYANA RAO :—“ Till liquidation taken place, the zamin ryots may be able to secure loans that they so badly need and for want of survey, they are finding it difficult.

“ Then there is another point which has been brought to the notice of the Hon. the Minister, viz., about the insistence of encumbrance certificate for 23 years. Twenty-three years is too

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long a period and the amount that has to be paid to the registration offices is very large. It has been said that unless there is any legal difficulty, and if it is really an administrative matter the Government may look into the matter to see whether twelve years or a less period than twenty-three years is not made sufficient. Why twenty-three years alone has been prescribed, we are not able to understand.

“ Then coming to my Forte, the Royalaseema, we have only eleven banks in these five districts. If you look at the transactions of these land mortgage banks, you will see that they are comparatively insignificant. Especially in dry areas, even if land mortgage banks are started, loans will not be given, because it is the policy of the Central Land Mortgage Bank not to lend money on dry lands, as they are not always assured of annual crops. Various suggestions have been made to Government to safeguard the interests of ryots in dry areas. If money-lenders are willing to lend money on these dry lands, there is no reason why some method should not be found whereby the Central Land Mortgage Bank may become useful to the ryots of these dry areas as well. Various suggestions have been made and I hope the Hon. the Minister will look into them. The suggestions made so long ago in the Vijayaraghavachariar's Committee have not been considered in such detail as they should have been. The Advisers' regime said that they could not accept the recommendations. The mere decision not to accept the recommendation is not enough. Is there no other alternative method which can be put into operation so that these dry areas may also have the advantage of land mortgage banks?

“ Then Sir, I have a word to say about the resolution itself. The Hon. Minister says ‘ . . . From the date of issue and bearing interest at a rate not exceeding 5 per cent per annum.’ What is the purpose of fixing 5 per cent as the maximum? Does it bear any relation to the market rate? For example, if the Madras Government could float loans at 2½ per cent, the Central Land Mortgage Bank should be able to raise debentures at 2½ per cent. Why has this 5 per cent been fixed? Perhaps it may be the suggestion of the Finance Department. However, I should like to have enlightenment on this point and I once again request the Hon. the Minister to consider the points I have made, especially in regard to the reduction of the rate of interest and the necessity for having lands in the zamin areas surveyed, so that the land mortgage banks in those areas may also make sufficient progress not waiting till the estates are liquidated.”

* THE HON. SRI V. V. GIRI :—“ I am grateful to the hon. Member who has just spoken on this subject. He has studied much of co-operation and he was also a member of the Vijayaraghavachariar's Committee. In the other House, I stated that

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the Committee's report will be taken into consideration and even if legislation is to be introduced, it would be done. The hon. Member has stated that as regards dry areas, the Vijayaraghavachariar's Committee has made certain suggestions. I shall certainly go into those suggestions and see how far Government would be able to help those areas.

"As regards the reduction of the rate of interest, I may state to the House that the matter is under the immediate consideration of the Government and orders will be passed very soon. As regards the survey of zamindari lands, I realise that even if the zamindari system is to be liquidated, they will have to be surveyed and when they are surveyed, certainly the people in those areas will have the benefit of the land mortgage banks.

"As regards Royalseema, I need not say that the Royalseema leaders are great agitators and they know how to put a thing not once, but a hundred times and how to secure results. If we can do something more, nothing would please the Government better in this matter.

"As regards the other suggestions made, they will be carefully gone into and the Government will see what could be done."

* MR. PRESIDENT :—"I now put the motion to the vote of the House. The motion is—

'This Council recommends to the Provincial Government that they may under sub-section (2) of section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934, increase the maximum amount of the guarantee given by them in respect of the debentures issued by the Madras Co-operative Land Mortgage Bank, Limited, up to a total face value of Rs. 400 lakhs exclusive of such debentures as the bank may from time to time redeem, such debentures being issued for periods not exceeding in any case 25 years from the date of issue and bearing interest at a rate not exceeding 5 per cent per annum'."

The motion was put and carried.

The House then adjourned to meet again at 11 a.m. on Thursday, the 12th September 1946.

V.—PAPER LAID ON THE TABLE OF THE HOUSE.

* *The Madras Trade Disputes Adjudication (Temporary Provision) Bill, 1946 (L.A. Bill No. 3 of 1946), passed by the Assembly and received therefrom in the Council.*

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APPENDIX I.

[Vide answer to clause (e) of starred question No. 57 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 11th September 1946, page 382 supra.]

Rules relating to Assistant Public Prosecutors and Assistant Crown Prosecutors.

Assistant Public Prosecutors—

CLASS XXX.

1. *Constitution.*—This class shall consist of Assistant Public Prosecutors, grades I and II.

2. *Appointment.*—(a) Appointment shall be made as follows :—

Grade I—Promotion from II grade, or direct recruitment, or recruitment by transfer from the Madras Police Subordinate Service.

Grade II—Direct recruitment, or recruitment by transfer from the Madras Police Subordinate Service.

(b) Promotion to grade I shall be made on grounds of merit and ability, seniority being considered where merit and ability are approximately equal.

3. *Appointing authority.*—(a) The appointing authority shall be the District Magistrate concerned.

(b) Appointment shall be made after consultation with the District Superintendent of Police concerned.

4. *Unit for appointment, probation, seniority, etc.*—(a) For the purposes of appointment, probation, seniority, discharge of probationers and approved probationers for want of vacancies, re-appointment, appointment as full members and promotion the jurisdiction of each appointing authority shall be the unit.

(b) Promotion from the II grade in a district to the I grade in another district shall be made only in special circumstances.

(c) Assistant Public Prosecutors shall not ordinarily be liable to transfer from the jurisdiction of one appointing authority to that of another except for disciplinary reasons. Such transfer shall be made by the Provincial Government.

5. *Qualifications.*—A candidate for appointment as Assistant Public Prosecutor shall possess the following qualifications, namely :—

For direct recruitment—

Grade I—(i) Must not have completed 34 years of age on the first day of August in the year in which appointment is made; and

(ii) Must be a member of the Bar and have had not less than five years' active practice in criminal courts.

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Grade II—(i) Must not have completed 32 years of age on the first day of August in the year in which appointment is made ; and

(ii) must be a member of the Bar and have had not less than three years' active practice in criminal courts.

For recruitment by transfer—

Grade I—(i) Must be a Prosecuting Inspector of Police in the Madras Police Subordinate Service ; and

(ii) Must have passed the Pleadership examination or the B.L. degree examination of the University of Madras.

Grade II—(i) Must be a Prosecuting Sub-Inspector of Police in the Madras Police Subordinate Service ; and

(ii) must have passed the Pleadership examination or the B.L. degree examination of the University of Madras.

6. *Probation.*—Every person appointed as Assistant Public Prosecutor other than an Assistant Public Prosecutor promoted from the II grade to I grade shall from the date on which he joins duty be on probation for a period of two years on duty within a continuous period of three years.

7. *Training.*—(a) A directly recruited Assistant Public Prosecutor shall on and from the date of his appointment undergo training for a period of four months of which two months shall be under the District Superintendent of Police of the district concerned and two months shall be under the Public Prosecutor of the district concerned.

(b) The pay during the period of training shall be Rs. 125 a month for grade I and Rs. 80 a month for grade II.

8. *Agreement.*—(a) A person appointed as an Assistant Public Prosecutor by direct recruitment shall execute an agreement in such form as may be prescribed by the Provincial Government in this behalf, binding himself to serve the said Government as Assistant Public Prosecutor for the period specified therein and if he should resign his appointment before the completion of the said period on any account except ill-health which shall be certified by a medical officer not below the rank of a civil surgeon, he shall refund to the said Government the pay drawn by him during the period of his training.

(b) The period to be specified in the agreement mentioned in sub-rule (a) shall be either two years from the date of appointment if the appointment is likely to last for that period or the period for which the post has been sanctioned.

(c) Any person executing an agreement for a period which is less than two years shall execute a similar agreement or agreements when his appointment is continued, until a total period of two years from the date of first appointment has been completed.

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9. *Temporary appointments*.—Notwithstanding anything contained in rules 5 and 6 any person who is a member of the Bar and whose age on the first day of August in the year in which the appointment is made does not exceed 40 years may be appointed as an Assistant Public Prosecutor temporarily if he possesses the following qualification, namely :—

Grade I.—Must have had not less than five years' active practice in criminal courts.

Grade II.—Must have had not less than three years' active practice in criminal courts.

A person so appointed shall not be regarded as a probationary Assistant Public Prosecutor.

Assistant Crown Prosecutors.—

CLASS XXX-A.

1. *Constitution*.—This class shall consist of the following categories of officers, namely :—

Category.—

(1) Chief Assistant Crown Prosecutor.

(2) Senior Assistant Crown Prosecutor.

(3) Junior Assistant Crown Prosecutor.

2. *Appointment*.—(a) Appointment shall be made as follows :—

Chief Assistant Crown Prosecutor—Direct recruitment ; or Promotion of Junior or Senior Assistant Crown Prosecutors.

Senior Assistant Crown Prosecutor—Direct recruitment ; or promotion of Junior Assistant Crown Prosecutors.

Junior Assistant Crown Prosecutor—Direct recruitment.

(b) Promotion as Chief Assistant Crown Prosecutor or Senior Assistant Crown Prosecutors shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.

3. *Appointing authority*.—The appointing authority shall be the Commissioner of Police, Madras.

4. *Qualifications*.—A candidate for appointment as an Assistant Crown Prosecutor shall be a member of the Bar and shall have, on the date of appointment, not less than five years' active practice in criminal courts.

5. *Probation*.—An Assistant Crown Prosecutor appointed by direct recruitment shall, from the date on which he joins duty, be on probation for a period of six months on duty within a continuous period of one year.

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6. *Training*.—(a) Any person appointed as an Assistant Crown Prosecutor by direct recruitment shall on and from the date of his appointment undergo training for a period of two months of which one month shall be under the Crown Prosecutor, Madras, and the other month under the Deputy Commissioner of Police, Crime Branch, Madras.

(b) The pay during the period of training shall be Rs. 50 per mensem less than the pay of the post concerned.

7. *Tenure*.—The tenure of appointment as Assistant Crown Prosecutor shall be a period of four years in the first instance. Extensions shall be permissible for further periods of four years up to the age of 55 years.

8. *Termination of service*.—An Assistant Crown Prosecutor may resign his office by giving three months' notice in writing to the Commissioner of Police, Madras; and the Commissioner of Police, Madras, may terminate the service of an Assistant Crown Prosecutor by giving him similar notice.

9. *Private practice*.—An Assistant Crown Prosecutor shall not engage himself in private practice and shall be considered to be a whole-time servant of the Crown.

10. *Agreement*.—A person appointed as an Assistant Crown Prosecutor by direct recruitment shall execute an agreement in such form as may be prescribed by the Provincial Government in this behalf, binding himself to serve the said Government as Assistant Crown Prosecutor for a period of two years from the date of his appointment and if he should resign his appointment before the completion of the said period of two years on any account except ill-health which shall be certified by a medical officer not below the rank of a civil surgeon he shall refund to the said Government, the pay drawn by him during the period of his training.

TRUTH ALONE TRIUMPHS

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APPENDIX II.

[Vide answer to starred question No. 59 asked by Sri O. P. Ramaswami Reddiyar at the meeting of the Legislative Council held on 11th September 1946, page 383 supra.]

Statement showing the number of tanks and area irrigated districtwar—
Tanks in charge of Public Works Department.

District.	Number of tanks in charge of Public Works Department.	Areas irrigated in acres in 1944-45.
Vizagapatam	84	61,528
East Godavari	52	33,871
West Godavari	34	21,244
Kistna	17	1,914
Guntur	10	3,524
Nellore	160	58,806
Cuddapah	64	28,879
Bellary	31	31,088
Kurnool	40	8,161
Chittoor	37	12,230
Chingleput	578	195,048
North Arcot	202	64,000
South Arcot	360	86,475
Tanjore	37	14,279
Trichinopoly	70	50,277
Madura	104	44,484
Ramnad	43	14,627
Tinnevelly	262	88,166
Coimbatore	42	36,585
Salem	82	27,467

Minor Irrigation Works in charge of Revenue Department.

District.	Number of Minor irrigation sources in each district.	Number of tanks in each district.	Areas irrigated by the minor irrigation sources.	Expenditure expected on repairs and maintenance to Minor Irrigation sources, 1945-46.	1945-46.
			ACS.	RS.	RS.
Vizagapatam	2,050	1,927	77,170	25,000	26,414
East Godavari	1,075	1,048	64,275	42,000	38,695
West Godavari	482	463	26,286	15,200	40,259
Kistna	77	68	20,996	7,500	7,837
Guntur	277	253	28,609	52,750	90,536
Nellore	413	401	81,263	82,000	81,728
Cuddapah	1,650	1,120	81,181	30,000	46,672
Anantapur	2,476	1,023	110,007	31,750	30,695
Bellary	393	234	24,176	32,000	25,412
Kurnool	612	375	39,715	19,580	22,408
Chittoor	4,971	3,973	1,09,411	86,000	1,01,247
Chingleput	2,307	1,716	1,77,590	50,000	1,54,599
North Arcot	2,821	1,857	1,74,516	89,100	3,56,060
South Arcot	2,265	1,913	2,30,281	40,000	1,80,543
Tanjore	400	390	41,172	40,000	35,334
Trichinopoly	1,477	1,265	84,590	65,095	54,726
Madura	3,517	3,119	97,096	50,000	68,450
Ramnad	272	256	20,938	30,000	8,198
Tinnevelly	1,606	1,486	108,720	70,000	82,872
Salem	2,451	1,704	89,018	1,00,020	64,221
Coimbatore	82	64	39,582	6,000	8,501
Total	31,574	24,415	1,724,592	9,63,995	15,25,416

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APPENDIX III.

[Vide answer to starred question No. 60 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 11th September 1946, page 384 supra.]

A

NATIVITY CERTIFICATE—OLD FORM.

Certified that _____ a candidate for admission into the
 Medical College, Madras Vizagapatam, son of _____ is a native
Stanley daughter _____
 _____ in the district of _____

Place, _____ * Signature.

Date. _____ Rank.

* This certificate should be signed by an officer of the Revenue Department not below the rank of a Tahsildar.

B

NATIVITY CERTIFICATE—REVISED FORMS.

I

Certified that X, a candidate for admission into the
Medical College, Madras
Stanley Medical College, Madras
Medical College, Vizagapatam, son of Y, resided in
Engineering College, Guindy daughter _____
Arthur Hope College of Technology, Coimbatore
 the district of A for a total period of ten years immediately
 preceding the 1st of January last, exclusive of the periods spent
 in any other district or districts by the candidate for his studies
her or with his parent while the latter was employed in Government
her service, and consequently that X is a native of the district of A
 within the meaning of G.O. No. 2786, P.H., dated the 26th
 October 1945.

Here enter details of residence of the candidate. If any period is to be excluded, the reason for the exclusion should be clearly specified.

II

Certified that Y, the parent of X, a candidate for admission
Medical College, Madras
Stanley Medical College, Madras
 into the Medical College, Vizagapatam resided in the
Engineering College, Guindy
Arthur Hope College of Technology, Coimbatore,
 district of A for a total period of ten years immediately preceding
 the 1st of January last exclusive of the periods spent by the said
 Y in Government service in any other district or districts, and
 consequently that X is native of the district of A within the
 meaning of G.O. No. 2786, P.H., dated the 26th October 1945.

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Here enter details of residence of the parent. If any period is to be excluded, the reason for the exclusion should be specified.

Place	* Signature
Date	Rank

* This certificate should be signed by an officer of the Revenue Department not below the rank of a Tahsildar and should bear the stamp of the office of the officer signing the certificate.

NOTE.—The scheme approved in G.O. No. 2786, P.H., dated 26th October 1945, applies only to British subjects. The idea of exclusion of periods spent by the parents in the Government service or by the candidate over his studies is to make nativity relate really to the district to which the candidate actually belongs by birth, parentage, possession of ancestral property, etc., and not to make it dependent on the accident of Government service or of sojourn for educational purposes. The idea is not to let nativity be acquired in any district elsewhere to which a Government officer might go during his service. The test is applied with reference to the candidate and he is entitled to exclude both the periods spent by him in studies elsewhere and by his parents in Government service elsewhere if he was with them all along. For instance, if a student belongs to a family in Tanjore, spends his boyhood with a parent who is in Government service in various places elsewhere and then goes to Madras or elsewhere for his studies, he should be put down as a native of Tanjore where his father would have spent, presumably, more than ten years before he entered Government service. If a candidate belongs to more than one district by this test, he can elect any one of the districts for purposes of the certificate.

Whichever of the two forms, I and II, is appropriate to the particular case should be used.

C

G.O. No. 2786, P.H., dated 26th October 1945.

Under the rules regulating the admission of students into the Medical Colleges, the Engineering College, Guindy, and the "Arther Hope College of Technology," Coimbatore, every applicant for admission is required to produce a nativity certificate along with the application. The certificate must be obtained from an officer not below the rank of a Tahsildar in the case of Medical Colleges and a Deputy Tahsildar in the case of the Engineering College, Guindy, and the "Arther Hope College of Technology," Coimbatore, and it should be produced before the candidates are selected for admission into the colleges. The question has been raised as to how nativity should be decided. The Government direct that the test must be residence by the candidate or his parents in a district for a period of ten years immediately preceding the date of application (excluding periods spent by the candidate for studies or periods spent by his parents in Government service in any other district). If a candidate belongs to more than one district by this test, he can elect any one of the districts for purposes of the certificate. The Government also direct that the officer who is competent to grant the certificate must be an officer of the district belonging to the Revenue Department not below the rank of a Tahsildar. The certificate must also bear the stamp of the office of the Tahsildar.

2. The Surgeon-General is requested to forward a draft form of nativity certificate applicable to the Medical Colleges and Engineering Colleges, in consultation with the Director of Public Instruction for the approval of Government.

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APPENDIX IV.

[Vide resolution moved by the Hon. Sri V. V. Giri at the meeting of the Legislative Council held on the 11th September 1946, page 402 supra.]

Explanatory note.

In Notification No. 469, dated the 11th August 1943, published at pages 765-766, Part I of the *Fort St. George Gazette*, dated 17th August 1943, His Excellency the Governor under sub-section (2) of section 6 of Madras Co-operative Land Mortgage Banks Act, 1934, increased the maximum amount of the guarantee given by the Government in respect of the debentures issued by the Madras Co-operative Central Land Mortgage Bank, Limited, to a total face value of Rs. 350 lakhs exclusive of such debentures as the bank might from time to time redeem.

2. The debentures issued by the bank under section 6 of the Act and outstanding on 13th August 1946, amounted to Rupees 3,49,57,300. The margin available in the existing guarantee is therefore negligible. The bank can avail itself of temporary accommodation from the Government only to the extent of the margin available between the maximum guaranteed and the debentures in circulation. The bank has therefore requested the Government to increase the guarantee up to Rs. 500 lakhs immediately. The loan transactions of the bank during 1944-45 amounted to Rs. 24.76 lakhs and although final figures are not available it is expected that they will amount to about Rs. 41 lakhs in 1945-46. The rise in the loan transactions of the bank during the current year may not represent the peak and there is every possibility of the bank issuing more loans in the next year. The Registrar of Co-operative Societies estimates that the loan transactions, even at their peak are not likely to exceed Rs. 60 lakhs next year and recommends that as Rs. 10 lakhs will be obtained by the redemption of existing debentures it will be sufficient if the guarantee is raised by Rs. 50 lakhs, i.e., up to a maximum of Rs. 400 lakhs.

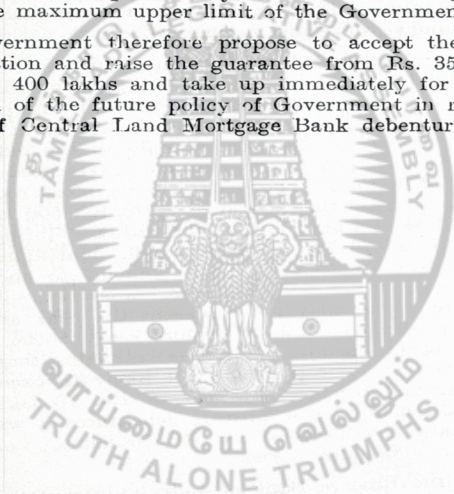
3. In 1940, the Reserve Bank of India requested this Government to define their future policy in regard to guarantee of the debentures of the Central Land Mortgage Bank with a view to enable it to decide whether it can make advances under section 17 (4) of the Reserve Bank of India Act. The Government then informed the Reserve Bank that it was and had always been the intention eventually to end the guarantee system, that they considered desirable to continue, if necessary, on a restricted scale, the guarantee arrangements for the duration of the war and that in the section 93 situation they were not in a position to lay down a long-term policy in the matter with any definite prospects of it being followed by a popular Ministry.

4. There is a general apprehension that there will be no limit to the amount that will have to be guaranteed by Government.

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This fear is really groundless. A stage will be reached when safe business on the present lines will be stabilized or in other words, the amount of debentures redeemable every year will be equal to the amount of debentures floated, a fresh issue resulting in no further increase. The Central Land Mortgage Bank will not be able to raise money as cheaply as it is now doing if the guarantee is withdrawn while the burden of the higher rate of interest will ultimately fall on the cultivators. Any decision on the future policy should be taken after a full examination of its implications and an abrupt withdrawal is inadvisable as it is calculated to have serious repercussions on the future of the bank. Even the Reserve Bank which has consistently advocated the ending of the guarantee, contemplates the drawing up of a scheme for terminating the guarantee over a period of years. It has also agreed to five crores as the maximum upper limit of the Government guarantee.

The Government therefore propose to accept the Registrar's recommendation and raise the guarantee from Rs. 350 lakhs to a total of Rs. 400 lakhs and take up immediately for examination the question of the future policy of Government in regard to the guarantee of Central Land Mortgage Bank debentures.





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